



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/987,487	11/15/2001	Kojiro Katayama	35.G2936	7221
5514	7590	03/08/2006	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO			ISMAIL, SHAWKI SAIF	
30 ROCKEFELLER PLAZA			ART UNIT	
NEW YORK, NY 10112			PAPER NUMBER	

2155

DATE MAILED: 03/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/987,487

Applicant(s)

KATAYAMA ET AL.

Examiner

Shawki S. Ismail

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

RESPONSE TO AMENDMENT

1. This communication is responsive to the amendment received on December 5, 2005. Claims 1, 11, 21 and 31 were amended. Claims 1-40 are pending.

The Old rejection maintained

2. The rejection is respectfully maintained as set forth in the last Office Action mailed on August 31, 2005. Applicants' arguments with respect to claims 1-40 have been fully considered but they are not persuasive and the old rejection is maintained

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1, 11, 21, and 31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 11, 21, and 31 recite "a determination step, for determining as to whether only one of the first and second local managing apparatuses should make a diagnosis, or both the first and second local managing apparatuses should make a diagnosis." It is unclear what the link between the first managing apparatus and the second managing apparatus is. How is it possible for a manager of a first-type device to be able to diagnose a second-type device if the devices are different from each other. It is also unclear why both managers need to perform the diagnosis on any particular

device. It is unclear if both managers are diagnosing the same problem in one device or diagnosing two different problems in two different devices.

Claim Rejections - 35 USC §102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-3, 6, 8, 10-13, 16, 18, 20-23, 26, 28, 30-33, 36, 38, 40, are rejected under 35 U.S.C. 102(e) as being anticipated by **Kimura et al**, (Kimura) U.S. Patent No. **6,173,422**.

7. As to claim 1, Kimura teaches an information processing apparatus which is connected to a first local managing apparatus which diagnoses an apparatus having a first-type function and a second local managing apparatus which diagnoses an apparatus having a second-type function that is different from the first-type function, comprising (see Fig. 12 and Fig. 13, col. 18, lines 1-14):

Judging means which judge whether any trouble which has occurred is a trouble in the apparatus having the first-type function or in the apparatus having the second-type function (see Fig. 16, col. 21, Lines 29-55);

determination means which determine whether only one of the first and second local managing apparatuses should make a diagnosis, or both the first and second local managing apparatuses should make a diagnosis (see Fig. 16, col. 21, Lines 29-55);

diagnosis control means which causes one of the first local managing apparatus and the second local managing apparatus, or both the first and second local managing apparatuses, to perform diagnosis, based on a determination provided by said determination means (col. 22, lines 11-28).

8. As to claim 2, Kimura teaches an information processing apparatus according to claim 1, wherein said diagnosis control means issues a diagnosis request to one of the first local managing apparatus and the second local managing apparatus, or both the first and second local managing apparatuses (see Fig. 12 and Fig. 13, col. Col. 18, lines 1-14).

9. As to claim 3, Kimura teaches an information processing apparatus according to claim 1, further comprising display control means for displaying a list of apparatuses connected to the local network on a display unit (see Fig. 16, col.21, lines 29-55).

10. As to claim 6, Kimura teaches an information processing apparatus according to claim 1, further comprising report generating means for generating report information indicating contents of the trouble in a case where the trouble is determined by the first

Art Unit: 2155

local managing apparatus or the second local managing apparatus (see Fig. 6, 7 and 16).

11. As to claim 8, Kimura teaches an information processing apparatus according to claim 1, wherein the apparatus of the first type is peripheral devices, and the apparatus of the second type is computer devices (see Fig. 1).

12. As to claim 10, Suzuki teaches an information processing apparatus according to claim 8, wherein the apparatus of the second type is at least one of personal computers, server computers, or network devices (see Fig. 1).

13. Claims 11-13, 16, 18, 20-23, 26, 28, 30-33, 36, 38, and 40 contain similar limitations as above; therefore, they are rejected under the same rationale.

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claim 4-5, 14-15, 24-25, and 34-35, are rejected under 35 U.S.C. 103(a) as being unpatentable over in view of **Kimura et al.**, (Kimura) U.S. Patent No. **6,173,422** in view of **Suzuki et al.**, (Suzuki) U.S. Patent No. **6,415,392**.

16. As to claim 4-5, 14-15, 24-25, and 34-35, Kimura teaches an information processing apparatus as discussed above. Kimura does not explicitly teach notifying a service person wherein said notifying means transmits information to a portable terminal carried by the service person regarding a location to which to go to perform the recovery operation.

Suzuki teaches a supervising system for image forming apparatus, and which is capable of selectively connecting a mobile computer of a service person with the communication network at a user site (see abstract).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to incorporate Suzuki's mobile terminal for a service person into the invention of Kimura in order to efficiently and correctly display service information. Since all the information a service person needs is at their fingertips, they are able to do their repair in a fast and accurate manner.

17. Claim 7, 17, 27, and 37, are rejected under 35 U.S.C. 103(a) as being unpatentable over in view of **Kimura et al.**, (Kimura) U.S. Patent No. **6,173,422** in view of **McCrory et al.**, (McCrory) U.S. Patent No. **6,697,962**.

18. As to claim 7, 17, 27, and 37, Kimura teaches an information processing apparatus according to claim 1. McCrory does not explicitly teach notifying means for sending a notification of a need for a commissioning recovery operation to another company, in a case where the trouble cannot be recovered from without external help (col. 3, lines 13-24 and col. 15, lines 51-60).

McCrory teaches a remote monitoring system providing diagnostic and remedial functions to a computer system. The computer system has a diagnostic agent housed locally and can retrieve information about the various states of the monitored computer system. If the monitoring agent can not correct or remedy the problem associated with a computer system it employs the help of a remote or external service center to aide in diagnosing the failure or problem (see abstract, Fig, 2, col. 4, lines 14-37).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the teaching of McCrory into the invention of Kimura in order to better diagnose and correct failures. By employing external help the failure would be corrected quickly using appropriate methods not available locally.

19. Claim 9, 19, 29, and 29, are rejected under 35 U.S.C. 103(a) as being unpatentable over in view of **Kimura et al**, (Kimura) U.S. Patent No. **6,173,422** in view of **"Official Notice."**

20. As to claim 9, 19, 29, and 29, Kimura teaches an information processing apparatus according to claim 8. Kimura does not explicitly teach wherein the apparatus of the first type is at least one of printers, photocopiers, or scanners.

"Official Notice" is taken that it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify Kimura's monitoring system to monitor any type of device whether it be audio/video devices or image forming devices because failures and errors can happen in image forming devices and would require similar monitoring in order to correct the failures and insure that the devices function properly.

Response to Arguments

21. Applicant's arguments have been fully considered, however they are not deemed to be persuasive. Applicant argues in substance that:

(A) Argument: Kimura does not teach or suggest an arrangement in which the diagnosis of problems occurring in a first type of function is assigned to one local manager, while diagnosis of another type of function is assigned to a different local manager.

Response: Kimura teaches room managers 84-86 are assigned the job of managing devices in a given room. The devices in each room are made up of a plurality of audio and video devices. If a trouble occurs, the source of the trouble is determined and identified as coming from rooms 81, 82 or 83. Once a determination is made as to the source of the trouble, the corresponding room managers 84-86 are notified to diagnose the problem if it occurred in their room. If trouble was identified in all three rooms then all three room managers will be notified to diagnose the problem in their individual rooms. The room managers 84-86 manager devices of a plurality of function which may be of a first-type or a second-type, nothing in the claims states that one local managing apparatus only diagnosis one type-type of function and not another type-function. Therefore Kimura's room manager 84-86 and the plurality of audio and video devices in each the rooms 81-83 meets the scope of the claimed limitation (see to Fig. 12, col. 17, lines 7-61 and Fig. 16, col. 21, Lines 29-55).

(B) Argument: Nothing in Kimura hints at a determination means which determine that both a first and a second local managing apparatus should make diagnoses.

Response: Kimura teaches room managers 84-86 are assigned the job of managing devices in a given room. The devices in each room are made up of a plurality of audio and video devices. If a trouble occurs, the source of the trouble is determined and identified as coming from rooms 81, 82 or 83. Once a determination is made as to the source of the trouble, the corresponding room managers 84-86 are notified to diagnose the problem if it occurred in their room. If trouble was identified in all three rooms then all three room managers will be notified to diagnose the problem in their individual rooms. The room managers 84-86 manager devices of a plurality of function which may be of a first-type or a second-type, nothing in the claims states that one local managing apparatus only diagnosis one type-type of function and not another type-function. Therefore Kimura's room manager 84-86 and the plurality of audio and video devices in each the rooms 81-83 meets the scope of the claimed limitation (see to Fig. 12, col. 17, lines 7-61 and Fig. 16, col. 21, Lines 29-55).

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawki S Ismail whose telephone number is 571-272-3985. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2155

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shawki Ismail
Patent Examiner
March 6, 2005



SALEH NAJJAR
SUPERVISORY PATENT EXAMINER